

ASSEMBLY BILL

No. 2174

Introduced by Assembly Member Beall

February 18, 2010

An act to amend Section 14132.25 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2174, as introduced, Beall. Medi-Cal: pediatric subacute care units: respiratory therapy hours

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Public Health.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law requires the State Department of Health Care Services to establish a subacute care program in health facilities in order to more effectively use available Medi-Cal funding while simultaneously ensuring needed services for subacute care patients.

Existing regulatory law defines a pediatric subacute care unit as an identifiable unit of a certified nursing facility licensed as a skilled nursing facility and meeting the standards for participation as a provider under the Medi-Cal program. Existing regulatory law requires pediatric subacute care units to utilize a licensed respiratory care practitioner to provide a minimum of 3.0 hours per patient day to each ventilator dependent patient and a minimum of 2.0 hours per patient day to each

nonventilator dependent patient of medically necessary respiratory care services.

This bill would require the State Department of Health Care Services to waive the above-described regulatory requirements and allow a pediatric subacute care unit to reduce its respiratory therapy hours by one hour per patient day, thereby reducing the required minimum numbers of hours to 2.0 hours per patient day to each ventilator dependent patient and 1.0 hour per patient day to each nonventilator dependent patient, if certain conditions are satisfied.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14132.25 of the Welfare and Institutions
2 Code is amended to read:

3 14132.25. (a) On or before July 1, 1983, the State Department
4 of Health *Care* Services shall establish a subacute care program
5 in health facilities in order to more effectively use the limited
6 Medi-Cal dollars available while, at the same time, ensuring needed
7 services for these patients. The subacute care program shall be
8 available to patients in *health* facilities who meet subacute care
9 criteria. Subacute care may be provided by any facility designated
10 by the director as meeting the subacute care ~~criteria, and which~~
11 *criteria that* has an approved provider participation agreement
12 with the State Department of Health *Care* Services.

13 ~~The~~

14 (b) *The* State Department of Health *Care* Services shall develop
15 a rate of reimbursement for this subacute care program.
16 Reimbursement rates ~~will~~ *shall* be determined in accordance with
17 methodology developed by the State Department of Health *Care*
18 Services, specified in regulation, and may include the following:

19 (1) All inclusive per diem rates.

20 (2) Individual patient specific rates according to the needs of
21 the individual subacute care patient.

22 (3) Other rates subject to negotiation with the health facility.

23 However, reimbursement at subacute care rates shall only be
24 implemented when funds are available for this purpose pursuant
25 to the annual Budget Act.

26 ~~The~~

1 (c) The department may negotiate and execute an agreement
2 with any health facility—~~which~~ *that* meets the standards for
3 providing subacute care. An agreement may be negotiated or
4 established between the health facility and the department for
5 subacute care based on individual patient assessment. The
6 department shall establish level of care criteria and appropriate
7 utilization controls for patients eligible for the subacute care
8 program.

9 ~~For~~
10 (d) For the purposes of this section, subacute patient care shall
11 be defined by the state department based on the results of its study
12 pursuant to Chapter 1211 of the Statutes of 1980.

13 (e) *The department shall waive the requirements of subdivision*
14 *(t) of Section 51215.8 of Title 22 of the California Code of*
15 *Regulations pertaining to the required minimum number of hours*
16 *of respiratory care services provided to ventilator dependent and*
17 *nonventilator dependent patients and allow a pediatric subacute*
18 *care unit to reduce its respiratory therapy hours by one hour per*
19 *patient day, thereby reducing the required minimum number of*
20 *hours to 2.0 hours per patient day to each ventilator dependent*
21 *patient and a minimum of 1.0 hour per patient day to each*
22 *nonventilator dependent patient, if both the following conditions*
23 *are satisfied:*

24 (1) *The pediatric subacute care unit concurrently increases its*
25 *nursing hours by one hour per patient day.*

26 (2) *The pediatric subacute care unit can demonstrate that the*
27 *reduction in hours is cost neutral and that patient care is not*
28 *adversely impacted.*